



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

AGENDA

Meeting of May 9, 2001

9:00 A.M., First Floor Hearing Room
242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of Minutes of the April 11, 2001 meeting.

OLD BUSINESS

2. Maine Clean Election Act: Adoption of Maine Clean Election Fund distributions for legislative candidates for year 2002 elections.
3. Penalty Collection Status Report: See letters to Mr. Larry Poulin, Mr. Ralph Jeff Hotham, Mr. Mark Cenci, Mr. Wade E. McLaughlin, and Mr. Duane J. Belanger.
4. Maine Clean Election Act Penalty Issue Status: Oral report of the status of review of audits of late filed accelerated campaign finance reports by candidates with Maine Clean Election Act opponents and status of communications with Chairs of the Committee on Legal and Veterans' Affairs on the penalty implications of the apparent violations.

NEW BUSINESS

5. Late Candidate Campaign Finance Report Penalty Determinations:

A. Honorable Zachary E. Matthews

6-Day Pre-Primary Campaign Finance Report

Due 6/7/00; Filed 3/13/01 – 279 days late

No Previous Violations

Penalty: \$446.40

42-Day Post-Primary Campaign Finance Report

Due 7/25/00; Filed 3/13/01 – 231 days late

One (1) Previous Late Filing

Penalty: \$3,465.00

6-Day Pre-General Campaign Finance Report

Due 11/1/00; Filed 3/13/01 – 132 days late

Two (2) Previous Late Filings

Penalty: \$9,900.00 (\$5,000.00 maximum penalty as provided by 21-A MRSA § 1020-A(5))



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OFFICE LOCATED AT: 242 STATE STREET, AUGUSTA, MAINE

PHONE: (207) 287-4179

FAX: (207) 287-6775

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42-Day Post-General Campaign Finance Report
Due 12/19/00; Filed 3/13/01 - 84 days late
Three (3) Previous Late Filings
Penalty: \$1,260.00

Total Penalties: \$10,171.40

Recommendation: Assess penalty of \$10,171.40 (If the Commission were to consider the 4 reports collectively as the first late reporting violation and assess a 1% penalty against all of the late reports, the total penalty would be \$3,833.40.)

6. Violations of Contribution Limitations -- 2000 General Election:

- A. Honorable Philip A. Cressey, Jr. -- \$250.00 excess
- B. Mr. Edward L. Dexter -- \$250.00 excess
- C. Honorable Betty Lou Mitchell -- \$150.00 excess
- D. Ms. Jo Anne Frank -- \$49.96 excess

Recommendation: Require reimbursement of amounts of contributions accepted in excess of limit and issue letters of warning to candidates and contributors to avoid future violations of contribution limit statute with future violations to be referred to the Attorney General for appropriate action.

7. Late Lobbyist Disclosure Penalty Determinations:

Stephen Rosario, Lobbyist for American Plastics Council
March Monthly Report
Due 4/17/01; Filed 4/30/01
No previous late filing this biennium
Penalty: \$100.00
Recommendation: Assess penalty of \$50.00

8. Complaints filed by Mr. Edward J. Democracy:

- A. Concerned Citizens for a Balanced Approach to Portland's Future -- Alleged failure to register as a political action committee and file required reports

Recommendation: To be determined based upon content of response to April 23rd letter.

- B. Citizens Protecting Portland's Future -- Alleged failure to file accurate report

Recommendation: To be determined based upon content of response to April 23rd letter.

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C. Campaign for a Comprehensive Plan – Alleged need to amend report

Recommendation: To be determined based upon content of response to April 23rd letter.

9. **Request for Direction:** A number of former candidates continue to file semiannual campaign finance reports because of unpaid outstanding obligations from their former campaigns. Examples include unpaid telephone, printing and mailing charges, facility rental fees, etc. We have been told by some of these former candidates that they do not expect to ever pay the outstanding obligations, nor are their creditors actively pursuing or do they expect payment. Technically, the creditors cannot discharge the outstanding obligations because in most cases they would exceed the contribution limits. Pending some alternative, we must continue to notify of and these candidates must continue to file semiannual reports for as long as an account balance or deficit in excess of \$50 remains. Given the passage of time in these cases, can the Commission act in some manner to eliminate the reporting requirement in these cases?

Recommendation: Require notarized statements from creditors and debtors that obligations are not payable and not collectable, respectively, attached to campaign termination report and close files.

10. **Informational Items:**

A. **Margaret Chase Smith Library Invitation:** By letter dated April 25, 2001, Dr. Gregory P. Gallant, Director, extended an invitation to attend the annual Maine Town Meeting public policy program on Thursday, May 31st to 20, 2001. The topic is “Participatory Inequality and Trust in Governance.” Due to Mr. Hain’s unavailability that date, any Commission Member interested in attending on behalf of the Commission should notify Mr. Hain so a response may be forwarded.

B. **COGEL 2001 Conference:** The Council on Governmental Ethics Laws 2001 Conference will be held in Lexington, KY, from Sunday, December 2, through Wednesday, December 5, 2001. Any Commission Members interested in attending should so notify Mr. Hain so appropriate arrangement can be made.

C. **Meeting with New Hampshire Fair Election Commission.** Mr. Hain will report on his meeting on April 9th with New Hampshire’s Commission.

11. **Executive Session:** As required.

12. **Other:** If needed.

13. **Electronic Filing System Demonstration by Quest Information Systems.**

ADJOURNMENT